

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MISTY TAYLOR

PLAINTIFF

VS.

CIVIL ACTION NO. 2:17CV20-KS-MTP

DOLGENCORP, LLC

DEFENDANT

REPLY TO RESPONSE TO MOTION TO REMAND

COMES NOW, Plaintiff, Misty Taylor, by and through counsel, and files the following Reply to Response to Motion to Remand:

1. In light of the fact that it is not facially apparent from the face of the complaint that the amount in controversy is likely above \$75,000.00, counsel for the Plaintiff reasonably anticipated that the Defendant would propound requests for admission at the state court level prior to removal of this action in order to provide the Plaintiff with the opportunity to be bound as to an amount in controversy that she is seeking.
2. At the time of the filing of the Motion to Remand, counsel for the Plaintiff overlooked the fact that a demand for settlement in the amount of \$145,000.00 was made before suit was filed.
3. Defendant's removal of this action without reference to the pre-suit demand, or the service of requests for admission concerning amount in controversy, altered the Plaintiff routine decisional calculus in directly the Plaintiff to make a binding decision concerning the amount in controversy.
4. After reviewing the pre-suit demand attached the Defendant's Response to Motion to Remand, and confirming that Plaintiff has not given the undersigned authority to

accept less than the amount demanded in the pre-suit demand, the Plaintiff withdraws her Motion to Remand.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully Withdraws her Motion to Remand filed herein.

Dated this the 20th day of February, 2017.

Respectfully submitted,

MISTY TAYLOR

By: s/ Yancy B. Burns
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CERTIFICATE OF SERVICE

I, Yancy B. Burns, attorney for the Plaintiff, do hereby certify that I have this day served a true and correct copy of the foregoing, via the Court's electronic filing system, to the following attorney:

Mark E. Norton
mnorton@bnlawfirm.com

This the 20th day of February, 2017.

s/ Yancy B. Burns
Yancy B. Burns